

1 MORGAN, LEWIS & BOCKIUS LLP
2 NICOLE A. DILLER (State Bar No. 154842)
3 ANDREW C. SULLIVAN (State Bar. No. 226902)
4 One Market, Spear Street Tower
5 San Francisco, California 94105
6 Telephone: (415) 442-1000
7 Facsimile: (415) 442-1001

8 Attorneys for North Star Trust Co.

9 Special Appearance on Behalf of
10 K-M Industries Holding Co., Inc.,
11 K-M Industries Holding Co., Inc., ESOP Plan
12 Committee, and CIG ESOP Plan Committee

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 THOMAS FERNANDEZ and LORA
16 SMITH, individually and on behalf of a
17 class of all other persons similarly situated,

18 Plaintiffs,

19 vs.

20 K-M INDUSTRIES HOLDING CO., INC.;
21 K-M INDUSTRIES HOLDING CO., INC.
22 ESOP PLAN COMMITTEE; WILLIAM
23 E. AND DESIREE B. MOORE
24 REVOCABLE TRUST; TRUSTEES OF
25 THE WILLIAM E. AND DESIREE B.
26 MOORE REVOCABLE TRUST;
27 ADMINISTRATOR OF THE ESTATE OF
28 WILLIAM E. MOORE, DECEASED; CIG
ESOP PLAN COMMITTEE; and NORTH
STAR TRUST COMPANY,

Defendants.

Case No. C06-07339 MJJ

**STIPULATION TO EXTEND
DEFENDANTS' TIME TO ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT PURSUANT TO LOCAL
RULE 6-1(a)**

AND ORDER

1 WHEREAS, Plaintiffs Thomas Fernandez and Lora Smith filed a complaint on November
 2 29, 2006, against K-M Industries Holding Co., Inc., K-M Industries Holding Co., Inc. ESOP Plan
 3 Committee, William E. and Desiree B. Moore Revocable Trust, Trustees of the William E. and
 4 Desiree B. Moore Revocable Trust, Administrator of the Estate of William E. Moore, deceased,
 5 CIG ESOP Plan Committee, and North Star Trust Company (the "Complaint");

6 WHEREAS, Plaintiffs personally served the Complaint on K-M Industries Holding Co.,
 7 Inc., the K-M Industries Holding Co., Inc. ESOP Plan Committee, and CIG ESOP Plan
 8 Committee (the "K-M Defendants") on December 7, 2006;

9 WHEREAS, Plaintiffs personally served the Complaint on North Star Trust Co. on
 10 December 8, 2006;

11 WHEREAS, Plaintiffs have not served the Complaint on William E. And Desiree B.
 12 Moore Revocable Trust and Trustees of the William E. and Desiree B. Moore Revocable Trust, or
 13 the Administrator of the Estate of William E. Moore;

14 WHEREAS, North Star Trust Co. has agreed to assist Plaintiffs in serving the Complaint
 15 on the William E. And Desiree B. Moore Revocable Trust and Trustees of the William E. and
 16 Desiree B. Moore Revocable Trust, and the Administrator of the Estate of William E. Moore;

17 WHEREAS, North Star recently retained counsel but the K-M Defendants have not yet
 18 selected counsel;

19 WHEREAS, the K-M Defendants' responsive pleading would otherwise be due on
 20 December 27, 2006, and North Star's responsive pleading would be due on December 28, 2007;

21 WHEREAS, North Star and the K-M Defendants requested, and Plaintiffs agreed to
 22 provide, a 30-day extension of time to respond to Plaintiffs' Complaint; and

23 WHEREAS, the requested extension of time will not require the modification of any
 24 deadlines previously set by the Court.

25 ///

26 ///

27 ///

28 ///

1 NOW THEREFORE, Plaintiffs and the parties served hereby stipulate pursuant to Local
2 Rule 6-1(a) and agree that the K-M Defendants and North Star's response to the complaint be
3 filed on or before January 25, 2006.

4
5 Dated: December 19, 2006

LEWIS, FEINBERG, RENAKER &
JACKSON, P.C.

6
7 By Todd Jackson
8 Daniel Feinberg, Esq.
9 Todd F. Jackson, Esq.
Margaret E. Hasselman, Esq.
Attorneys for Plaintiffs

10 Dated: December 19, 2006

MORGAN, LEWIS & BOCKIUS LLP

11
12 By Nicole A. Diller, Esq.
13 Andrew C. Sullivan, Esq.
14
15 Attorneys for North Star Trust Co.
16 and Specially Appearing on Behalf of
17 K-M Industries Holding Co., Inc.,
18 K-M Industries Holding Co., Inc., ESOP
19 Plan Committee, and CIG ESOP Plan
20 Committee

